

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONNIE REGINALD ROGERS,

Defendant.

No. CR02-2010-LRR


No. C05-2027-LRR

ORDER

This matter appears before the court pursuant to its order dated July 5, 2006. In that order the court instructed the defendant to file his memorandum on or before July 18, 2006 and informed the defendant that no further extensions would be granted. To date, the defendant has failed to comply with the court's order. Nonetheless, the court deems it appropriate to sua sponte extend the deadline for filing his memorandum. The defendant is directed to file a memorandum in support of his 28 U.S.C. § 2255 motion by no later than August 23, 2006. If the defendant fails to comply with this order, the Clerk of Court is directed to deny the defendant's motion pursuant to 28 U.S.C. § 2255 for failure to respond to an order of the court. *See* Fed. R. Civ. P. 41(b); *Edgington v. Missouri Dep't of Corrections*, 52 F.3d 777, 779-80 (8th Cir. 1995); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986); *see also* Rule 12 of the Rules Governing Section 2255 Proceedings (addressing applicability of federal rules of civil procedure and criminal procedure).

IT IS SO ORDERED.

DATED this 14th day of August, 2006.



LINDA R. READE
JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA